

CHAPTER 5

BEFORE THE POLLING DAY

Section 1 – Appointment of Returning Officers and Assistant Returning Officers

5.1 For the 2006 EC Subsector Elections, 24 directorate officers of the policy bureaux and departments relevant to the EC subsectors concerned were appointed by the EAC as ROs for the 36 subsectors (excluding the NPC subsector and the LegCo subsector) concerned. To provide assistance to the ROs, 24 Assistant Returning Officers (“AROs”) who were senior officers of the policy bureaux and departments relevant to EC subsectors concerned were appointed. 20 government counsels from the Department of Justice (“D of J”) were also appointed to serve as the AROs(Legal) for providing legal advice to the ROs on the polling day and during the count on various matters, particularly in determining the validity of questionable ballot papers. The appointment of the ROs was published in the Gazette on 6 October 2006. The list of ROs, AROs and AROs(Legal) is at **Appendix IV**.

5.2 Miss TANG Chung-man, Victoria, JP, the RO of the Hong Kong and Kowloon DCs subsector and New Territories DCs subsector, was also appointed as the Chief RO to supervise the operation of the central counting station.

Section 2 – Appointment of Nominations Advisory Committees

5.3 Four legal professionals, namely Mr WONG Ching-yue, Senior Counsel, Mr HO Bing-kwan, barrister-at-law, Mr Kevin CHAN,

barrister-at-law and Mr LUI Kit-ling, barrister-at-law, were appointed as Nominations Advisory Committees (“NACs”) for the period from 11 August to 10 November 2006 to provide legal advice to the prospective candidates, the designated bodies and prospective nominees of the Religious subsector, and the ROs. Their appointments were published in the Gazette on 11 August 2006.

5.4 During the appointment period, the NACs received a total of 27 requests for legal advice on qualifications of some prospective candidates, of which 16 were from candidates and 11 from ROs of different subsectors. The NACs ruled that they were all qualified to be nominated as candidates for the EC Subsector Elections.

Section 3 – Nomination of Candidates

5.5 The nomination period started on 1 November 2006 and ended on 8 November 2006. This one-week period was announced in a notice in the Gazette published on 6 October 2006. By the close of nominations, the ROs of the 35 subsectors (excluding the Religious subsector) received a total of 1,044 nominations. Out of these 1,044 nominations, two were withdrawn (one each from the Chinese Medicine subsector and the Labour subsector), two were ruled invalid by the ROs concerned (one each from the Social Welfare subsector and the Chinese Medicine subsector) and the remaining 1,040 were confirmed valid by the ROs. Of these 1,040 validly nominated candidates,

- (a) 237 were returned uncontested to fill the 237 vacancies in 12 subsectors and three sub-subsectors; and
- (b) 803 were to run for the 427 seats in the remaining 22 subsectors and one sub-subsector.

The details were set out in **Appendix V**.

5.6 The lists of all validly nominated candidates for each subsector/sub-subsector concerned and the result of uncontested subsectors/sub-subsectors were published in the Gazette on 16 November 2006.

5.7 For the Religious subsector, the RO received a total of 63 nominations from the six designated bodies. Out of these 63 nominations, two (one each from the Confucian Academy and Hong Kong Buddhist Association) were ruled by ROs as invalid. The following table shows the number of valid nominations made by each of the six designated bodies:

<i>Designated body</i>	<i>Assigned number of members</i>	<i>Number of valid nominees</i>
Catholic Diocese of Hong Kong	7	19
Chinese Muslim Cultural and Fraternal Association	6	10
Hong Kong Christian Council	7	10
The Hong Kong Taoist Association	6	6
The Confucian Academy	7	7
The Hong Kong Buddhist Association	7	9
Total	40	61

For the Chinese Muslim Cultural and Fraternal Association, Hong Kong Christian Council and the Hong Kong Buddhist Association, the assigned number of members was made up according to the order of priority as indicated

by these designated bodies in the nomination forms. For the Catholic Diocese of Hong Kong, as the body had not indicated which of the nominees were to be given preference, the RO determined which nominees of the body were to make up the assigned number by drawing lots, in the presence of a representative of the designated body and nominees who were able to attend the occasion. The result of the nominations was published in the Gazette on 16 November 2006 and is reproduced at **Appendix VI**.

Section 4 – Briefings for Returning Officers and Candidates

5.8 To enable all parties concerned to be familiarised with the rules and operation of the elections, a series of briefings were held.

5.9 A briefing session for the ROs and AROs, hosted by the EAC Chairman, was held on 24 October 2006 at the Lecture Theatre of the Hong Kong Central Library. Also present at the briefing session were the Chief Electoral Officer (“CEO”) of the REO and the representatives of the D of J and the ICAC.

5.10 The EAC Chairman hosted a briefing for the candidates and their agents on 11 November 2006 at the Universal Plaza of the Hongkong International Trade and Exhibition Centre (“HITEC”) in Kowloon Bay. In this session, the EAC Chairman briefed the candidates and their agents on the electoral arrangements of the elections and the major provisions of the electoral legislation and guidelines. He was accompanied by the CEO and the representatives from the D of J, ICAC and Hongkong Post. These departmental representatives briefed the attendees and answered questions on matters relating to the elections which fell within their respective purview.

5.11 After the briefing session, the ROs met the candidates and their agents at the Grand Rotunda of the same venue and determined, by means of drawing lots, the order of names of candidates on the ballot papers for different contested subsectors/sub-subsector and the designated public spots to be allocated to the candidates for display of their EAs.

Section 5 – Polling and Counting Arrangements

Recruitment of Polling and Counting Staff

5.12 As in previous ordinary elections, the REO conducted a service-wide recruitment exercise to invite suitable serving civil servants of various government departments to serve as electoral staff for the conduct of the elections. Out of a total of 18,134 applications received, about 3,410 staff were appointed as polling and counting staff for the conduct of the elections. Many of the appointees had served for the same polling stations or the central counting station in the 2004 LegCo Election and 2005 EC Subsector By-elections and had already gained relevant experience in discharging their polling or counting duties.

Training for Polling and Counting Staff

5.13 A total of about 1,920 and 1,490 serving civil servants were recruited for polling and counting duties respectively. In line with the EAC's recommendation in the report on the 2004 LegCo Election, the polling and counting staff were strongly reminded of the importance in complying with all the electoral steps for upholding the openness, fairness and honesty of the election in the eyes of the public. Operational manuals were compiled for them for reference.

5.14 With the assistance of the Civil Service Training and Development Institute (“CSTDI”), two one-day seminars on EQ training, quality customer and polling service, crisis management which included case and experience sharing sessions as well as briefing on the new features of the 2006 EC Subsector Elections were arranged for the polling management staff (including the Presiding Officers (“PROs”), Deputy PROs (“DPROs”) and Assistant PROs (“APROs”)) and staff of the REO on 24 and 26 October 2006 at the Queen Elizabeth Stadium. The customer service and crisis management training session was specially designed for polling management staff by a management consultancy firm, to better prepare them for providing quality customer and polling service to the public and coping with potential problems and crisis on the polling day. All the PROs, DPROs, APROs and other polling staff were also required to attend a half-day general briefing session on 28 or 29 November 2006 at the Queen Elizabeth Stadium with a view to equipping them with sufficient knowledge and skills for the efficient management and implementation of polling functions. The session covered major provisions of the EAC (EP) (EC) Reg on the various important polling duties including ballot paper control, compilation of statistical returns, introduction of the latest polling arrangements and procedures for the elections, setting up of polling station and a questions and answers session.

5.15 For the counting staff, two half-day general briefing sessions were held on 20 November 2006 at the Southorn Stadium. Nine half-day mock-counting sessions were held at the same venue from 21 to 25 November 2006 to provide them with hands-on practice on the counting process. Separate practical training sessions were arranged from 20 to 24 November 2006 for counting staff responsible for operating the Optical Mark Recognition (“OMR”) machines for vote counting. In addition, refresher training for Counting Supervisors was held on 4 December 2006 shortly before the date of elections,

and a final briefing for Counting Supervisors and Assistant Counting Supervisors was held at the central counting station just before the counting commenced.

5.16 All ROs and AROs of the 22 contested subsectors and one contested sub-subsector were invited to join the training programme for counting staff. There was also a tailor-made training programme arranged for them, including a briefing-cum-demonstration session on the counting process on 4 December 2006 and a half-day briefing on 16 November 2006 conducted by staff of the D of J on the legal principles in determining questionable ballot papers.

Identifying Venues as Stations

5.17 110 venues were selected as polling stations for 204,646 electors of the 22 contested subsectors and one contested sub-subsector to cast their votes. These venues included schools, community centres and indoor games halls etc at convenient locations. About 1,900 or more electors were assigned to each polling station on average. Depending on the geographical area and number of registered electors within each of the 18 districts, about four to ten polling stations were set up in each district. The basic criterion adopted for identifying these venues was that they should be easily and conveniently accessible to electors. With the exception of one polling station, all the other 109 designated polling stations were accessible to people with disabilities.

5.18 The electors were allocated polling stations according to their residential address. An elector of a subsector who was also an AR (“authorised representative”) of a corporate elector of another subsector would also vote at the same polling station.

5.19 There was only one counting station, ie the central counting station, set up at Halls 2 and 3 (with a total area of about 15,800 m²) of the New Annex of the Hong Kong Convention and Exhibition Centre (“HKCEC”).

Polling Arrangements

5.20 On the day preceding the polling day, all polling staff, with the assistance of the REO staff, set up the designated venues as polling stations for the elections.

5.21 Each ballot paper issuing desk at a polling station was given a complete booklet of ballot papers for each individual subsector for issue to eligible electors of the EC Subsector Elections. This measure was adopted in the 2005 EC Subsector By-elections. It could reduce confusion on the issue of ballot papers for each subsector and facilitate the efficient compilation of statistics on the issue of ballot papers and effective supervision of the conduct of poll.

5.22 An elector was required to mark the ballot paper by shading the ovals printed next to the names of the candidates of his choice. The ballot paper bore the name of the subsector or sub-subsector at the upper-right corner and was printed in different colours to facilitate easy distinction.

5.23 Outside each polling station, specific areas were designated by the RO as NCZ and NSZ to provide the electors with a free and safe environment on their way to the station. A notice was displayed at a conspicuous spot at or near the station, notifying the public the delineation of the related NCZ and NSZ.

5.24 Besides overseeing the nomination and related matters for the subsector assigned to him, each RO was also tasked with overseeing the operation of four to five designated polling stations on the polling day. The PRO, assisted by the DPRO and APROs, was responsible for ensuring the smooth and efficient operation of the polling station during the poll under his charge and to work closely with the RO concerned.

Counting Arrangements

5.25 In view of the large number of seats (ranging from 10 to 40 for different subsectors and one sub-subsector) and candidates on each ballot paper (ranging from 13 to 99 candidates for different subsectors and one sub-subsector) for the EC Subsector Elections, the Voting Validation and Counting Automation System (“VVCAS”) was used to facilitate the counting of votes, as in the previous 1998 and 2000 EC Subsector Elections. The REO procured the VVCAS and OMR machine service and other related goods from an outside service provider. To facilitate the convenience of electors and to ensure smooth operation of the OMR system, the ballot papers were specially designed so that they could be read by the OMR machines and accommodate names of up to 100 candidates in clearly legible words. For ease of operation, each ballot paper would contain no more than one sheet. To facilitate OMR reading of the votes marked on the ballot papers, electors were asked to shade the ovals by the felt pens provided at the polling station, and placed the marked ballot papers in envelopes to better prevent the ballot papers from being folded. To ensure the reliability and integrity of the VVCAS, the service of an independent information technology firm was engaged to design and conduct an user acceptance test, and another independent audit firm was also hired to audit the test result. A total of 22 sets of OMR machines were used while four more sets of machines were put in the central counting station as standby

machines.

5.26 All votes cast at different polling stations were transported to the central counting station for counting after the close of poll. The central counting station comprised two parts, viz a ballot box reception and deposit area in Hall 2 on Level 5, and the counting zones in Hall 3 on Level 7 where the actual counting of votes on the ballot papers took place. There were a total of 23 counting zones, each delineated in a layout similar to that of the 2000 EC subsector ordinary elections. Each counting zone was composed of a sorting section, a general section and a visual screening section, overseen by one to two Counting Supervisors.

5.27 The counting process included the opening of ballot boxes and sorting of ballot papers. Since there were ballot papers of different subsectors in each ballot box, they needed to be sorted by subsectors at the sorting section. The sorted ballot papers were then streamed to the general section of different counting zones which were dedicated to process ballot papers of different subsectors. The counting staff then conducted visual screening to separate ballot papers to be processed manually from those to be scanned by the OMR. The latter group of ballot papers was scanned by the OMR machines for computer reading and tabulation by the VVCAS (the OMR machines with the computer could read the shaded ovals, record the number of votes and add up the total). For questionable ballot papers, their validity was determined by ROs, and votes marked on ballot papers ruled to be valid were keyed into the VVCAS manually.

5.28 Apart from the counting zones, Hall 3 also included a press area for the media to cover the event and a public stand for the public to observe the count. As in previous elections, candidates and their election/counting agents were

allowed to stand around the counting table to observe the count from a close distance.

5.29 Based on the experience from the 2005 EC Subsector By-elections, the following measures were adopted to streamline and speed up the counting of votes for the elections:

- (a) a ballot box reception and deposit area was set up at Hall 2 of the HKCEC, where there were sufficient space and manpower to receive the ballot boxes and polling documents returned from the PROs;
- (b) the ballot papers, while complying with the format specified in the EAC (EP) (EC) Reg, were printed in different colours for different subsectors so that the counting staff could identify the ballot papers of different subsectors easily and hence speed up the sorting and counting process;
- (c) more manual labourers were hired for unloading and delivery of ballot boxes under the supervision of counting staff to speed up the process;
- (d) there were additional reception counters for a more speedy handling of ballot boxes and other electoral documents returned from polling stations;
- (e) there were additional visual screening tables in the counting zones of large subsectors so as to increase the efficiency in screening ballot papers for these subsectors; and
- (f) two Counting Supervisors were deployed to oversee the whole

counting process of large subsectors. This reduced the risk of making errors in compiling counting statistics.

Compilation of Voter Turnout Statistics

5.30 Each polling station was required to send the hourly voter turnout statistics to the REO Statistical Information Centre (“SIC”) by fax on the polling day (or by telephone in the event of machine failure). The REO staff at the SIC would input the data into the “New Electoral and Registration System” which had a built-in function for compiling hourly voter turnout statistics for the various subsectors. For backup and cross checking, they would also input the data received from the polling stations into standalone personal computers using a standard spreadsheet programme. A total of 40 fax machines were installed at the SIC to receive the hourly statistics from polling stations. The number of fax machines used could cater for scenarios where some machines broke down during the poll. The hourly statistics were uploaded to the 2006 EC Subsector Elections dedicated website for the information of the media and the public.

Contingency Measures

5.31 To cater for any unforeseen circumstances such as inclement weather or other emergencies such as fire or power failure, preparations were made for the following contingencies, as in previous elections:

- (a) the possibility of any postponement or adjournment of the poll in one or more polling stations, or the count in the central counting station;
- (b) in relation to (a) above, the need for resumption of an adjourned poll or

an adjourned count, as the case may be; and

- (c) the possibility of requiring alternative polling stations when access to a polling station was blocked by flooding, fire or other emergencies that rendered the polling station inoperable.

5.32 To ensure the smooth conduct of the poll, the REO had put in place enhanced contingency measures to cater for any unforeseen circumstances:

(a) Emergency depots

An emergency depot was set up in each of the following five regions: Hong Kong Island, Kowloon East, Kowloon West, New Territories East and New Territories West to ensure quick replenishment of supplies where necessary. Each emergency depot was equipped with a reserve pool of stand-by vehicles for delivery of additional supplies and a reserve stock of ballot papers, ballot boxes and other electoral equipment to cater for unexpected situations;

(b) Reserve polling and counting staff

In addition to about 1,820 polling staff appointed for the 110 polling stations, a reserve pool of about 100 polling staff was also appointed to station at the five emergency depots to fill in any places left by polling staff due to unforeseen circumstances. For the counting of votes at the central counting station, two separate teams of counting staff (about 1,250 and 240 counting staff for the first and second shifts respectively) were appointed to prevent staff fatigue. In the event that the count could not be completed by the first and second

shifts of staff, they would take turns to take up the subsequent shifts until the counting was complete. REO staff and District Office staff would be deployed to man the third or fourth shifts if necessary;

(c) Transport facilities

A van for each of the 110 polling stations during the poll was provided for any urgent deliveries of electoral equipment/materials from the emergency depots in case of need and to cater for other emergencies;

(d) Counting process

To cater for the unlikely event of the breakdown of the VVCAS, a contingency plan was formulated for switching the counting process from computer to manual mode within a short period of time, if necessary;

(e) Back-up electricity supply

Back-up electricity supply by the Electrical and Mechanical Services Department (“EMSD”) was secured to ensure that the count could be continued in the HKCEC in case of power disruption; and

(f) Announcements for emergency arrangements

Full preparation for making public announcements of the implementation of any emergency arrangements was made.

5.33 On the polling day, there was no need to deliver any reserve stock of ballot papers or ballot boxes from the regional depots as a sufficient quantity of electoral equipment had already been provided to each polling station before the poll. There was also no need to deploy the third shift of counting staff as the counting process was completed within the second shift.

Notification to Electors

5.34 From 21 to 28 November 2006, the REO sent the electoral mailing packages to 204,646 registered electors of the 22 contested EC subsectors and one contested sub-subsector informing them where and how to vote at the polls on 10 December 2006. The mailing packages included a poll card, a map indicating the location of the designated polling station, and a leaflet introducing the candidates of the relevant subsectors/sub-subsector. A publicity leaflet with clear illustrations on the proper procedures on voting and another leaflet from the ICAC on clean and fair elections were also included. Five mock polling stations at the Hong Kong Park Sports Centre, Mong Kok Community Hall, Kwai Fong Community Hall, Tai Po Community Centre and Wong Tai Sin Community Hall were open from 7 to 9 December 2006 for electors to get familiar with the voting procedures. Another mock polling station at the Electoral Information Centre of the REO in Guardian House, Wan Chai was open from 27 November to 8 December 2006. Details of the mock polling stations were contained in the above-mentioned leaflet sent to electors. (Please see paragraph 5.36(g) below.)

5.35 As polls were not required for the 12 uncontested subsectors and three uncontested sub-subsectors, a notice of uncontested nominations, including an introductory leaflet of the uncontested candidates were sent to 15,661 registered electors in these subsectors/sub-subsectors, informing them that they

needed not go to the poll.

Publicity

5.36 The major events of the elections were extensively covered by the print and electronic media. Apart from issuing press releases on the various key events of the elections, the REO also implemented the following publicity measures for the elections:

- (a) two sets of TV and radio Announcements in the Public Interest (“APIs”) were produced to publicise the 2006 EC Subsector Elections. One set was to announce the nomination period of the elections, set out the qualifications for nomination as a candidate and invite nominations. It was broadcast from 16 October to 7 November 2006 in local TV and radio channels. Another set was to encourage electors to turn up for voting and to illustrate the proper procedures to cast a vote. It was broadcast from 27 November to 10 December 2006 in local TV and radio channels;
- (b) two newspaper advertisements were placed in local newspapers to reinforce messages of the APIs. The advertisement on nomination was placed in 17 newspapers on 19 and 31 October and 1 November 2006. Another advertisement, which was to encourage voter turnout and to illustrate how to cast a vote properly, was placed in a total of 17 newspapers from 7 to 10 December 2006. The modified version on 10 December also carried the full list of the number of seats in each contested subsector/sub-subsector;
- (c) a dedicated website was set up to provide information on the elections,

such as the EAC Guidelines in respect of the EC Subsector Elections, introduction to the candidates, voter turnout, election results, publicity materials, etc;

- (d) two sets of posters which were produced to reinforce messages of the APIs were printed and distributed to the 317 umbrella organisations of different subsectors, primary and secondary schools, tertiary institutes, hospitals and government departments;
- (e) posters were placed in the Mass Transit Railway (“MTR”) and Kowloon-Canton Railway (“KCR”) escalator crowns to encourage voter turnout and to illustrate the proper procedures to cast a vote. Escalator crown posters were placed in KCR East Rail, West Rail, Ma On Shan Rail and Light Rail stations from 27 November to 10 December 2006, and from 1 to 10 December 2006 in MTR stations;
- (f) six mock polling stations were set up to let registered electors and ARs familiarise themselves with the proper procedures in casting votes. A mock polling station was set up at the Electoral Information Centre of the REO from 27 November to 8 December 2006, while the other five were set up in different areas of Hong Kong from 7 to 9 December 2006; and
- (g) a leaflet introducing the details of the mock polling stations and explaining the proper procedures in casting votes was printed and delivered to registered electors and ARs.